

The Draught of a Bill, now in Parliament, but not yet Pass'd, Declaring and Settling the Rights of the Subject, in Tryals for High Treason.

THIS Bill was brought in into the House of Commons, by their Order and Command, at their last Sitting: where it was read the first and second time, and committed to a Committee of the whole House. But the by Intervening of other great and urgent Affairs, which were of necessity to be dispatched before His Majesties Departure for Holland, it could not be Perfected and Passed into an Act at their said last Sitting.

FORASMUCH as nothing so highly concerns, nor is so fatal to your Majesties Subjects, as the Prosecutions and Attainders in Cases of Treason, in regard their Lives, Honor, Fame, Liberty, Blood, Wife and Posterity, their Lands and Goods, and that they have is thereby utterly lost, and their Families for ever ruined and undone. It is therefore most necessary both for the Honor of the Crown and the Safety of the People, that all persons whatsoever that shall be accused of any manner of Treason, whereby any Corruption of Blood may or shall be made to any their Heir or Heirs of any such Offender or Offenders, of Misprision of such Treason; shall have the full Liberty and Advantage of Defending themselves by Counsel, and Witnesses sworn on their behalfs, or otherwise, as they shall be advised is most necessary for their Defence and Preservation. And forasmuch as divers persons, as well Honorable, as others of unblemished Reputation, in this your Majesties Realm of England, have of late years been prosecuted, tryed and attainted for High Treason, being denied Copies of the Indictments, and Counsel to advise thereupon, and defend them against such Prosecutions, and their Witnesses not admitted to give their Evidence upon Oath on their behalfs, and were also denied Copies of the Jurors that were Impanelled to try them, whereby they might be prepared to make their lawful Challenges to the Jurors. And whereas divers persons have been convicted and attainted of High Treason, not by two lawful Witnesses of the same Fact done at the same time and place, but by one single Witness of one Fact done in one place at one time, and by another Witness of another Fact done in another place, and at another time, quite different from the former, both in manner, matter, time and place, which was never the Meaning nor Intention of the Law, to allow such Witnesses to be two lawful Witnesses to convict any person of High Treason. But such Methods of Trials have been practised and carried on by unwarrantable Opinions in these late Times, and is of dangerous and pernicious Consequence to the Subject, and ought never hereafter to be followed, nor drawn to Example. And whereas it conduceth to the Support of the Government, that the Minds of the Subjects may be at ease and quiet, and they in some reasonable time freed from the Fear and Dread of any such Criminal Prosecutions: for the effecting whereof it is necessary that a Limitation of some certain Time be declared, wherein every Offender in all Cases of such Treasons as aforesaid, and of Misprisions of such Treason shall be accused: for Remedy wherein, and for the Amendment of the Law in the Matters aforesaid, and that all persons for the future in all Cases of such Treasons as afore said, and of Misprisions of such Treasons, may have as full and free Liberty and Advantage of Defending themselves as they may, can, or ought to have in any Civil Actions. Be it therefore Enacted, and it is Ordained, Declared and Enacted by the King and Queens most Excellent Majesties, by and with the Advice and Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That from and after the day of next, all and every person and persons whatsoever that shall at any time hereafter be

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Accused, Arraigned, Indicted, or Impeached, for any Treason whereby Corruption of Blood may or shall be made to any, the Heir or Heirs of any Offender or Offenders, or for any Misprision of such Treason, shall have a true Copy of the whole Indictment and Impeachment delivered unto him, her, or them, days at the least before he, she, or they, shall be compelled to plead to such Accusation, Indictment, or Impeachment: And that no Person or Persons whatsoever shall be compelled to plead to any Accusation, Indictment, or Impeachment of any such Treason as aforesaid, or of Misprision of such Treason, before such Person or Persons so accused, shall have a true Copy or Copies of such Indictment or Impeachment delivered to them, or their Attorney, or Attorneys Agent, or Agents requiring the same, and paying the Officer his reasonable Fees for Writing thereof: And that all and every Person and Persons whatsoever, that from and after the said day of next shall be Indicted, Arraigned, Impeached, or Tried for any such Treason as aforesaid, or for Misprision of such Treason, shall by virtue of this Act be received and admitted to make his, her, or their full Defence by Counsel learned in the Law, and also to make any proof that he, she, or they can by lawful Witness or Witnesses upon Oath or otherwise, for his, her, and their discharge and defence in that behalf, and in Case any Counsel shall refuse to appear and plead on the behalf of any Person or Persons so accused, the Court is hereby required to assign Counsel to such Person and Persons so accused, any Law or Usage to the contrary hereof in any wise notwithstanding: And be it farther Declared and Enacted by the Authority aforesaid, that no Person or Persons whatsoever from and after the said day of next, shall be Indicted, Arraigned, Impeached, Convicted, Outlawed, Condemned or Attainted of any such Treasons whereby any Corruption of Blood may or shall be made to any, the Heir, or Heirs, of any such Offender, or Offenders, or of Misprision of such Treasons, unless the same Offender or Offenders shall be accused by Two lawful Witnesses of the Fact done at the same time, and in one and the same place, and not otherwise, unless the Party Arraigned shall willingly without Violence, in open Court, confess the same, any Law or Usage to the contrary hereof notwithstanding: And be it farther Declared and Enacted by the Authority aforesaid, that no Person or Persons whatsoever, shall from and after the said day of next be Indicted, Arraigned, Impeached, or Prosecuted, for any such Treasons as aforesaid, or Misprision of such Treasons, unless the same Indictment or Impeachment, be begun, Preferred and Prosecuted within next after the Treason or Offence done and committed, and not afterwards; And that all Persons who shall be accused of such Treason, or of Misprision of such Treason, after the said day of next, shall have Copies of the Pannel of the Jurors who are to try them, delivered unto such Person or Persons so accused and Indicted days at the least before he, she, or they shall be tried for the same; And that all Persons so accused of any such Treason as aforesaid, shall have the same Process of the Court where they shall be tried, to compel their Witnesses to appear for them at any such Tryal or Tryals, as is usually granted to compel any Witnesses to appear against them, Provided always, and be it Enacted by the Authority aforesaid, that from and after the day of next, none of the several enumerated Treasons mentioned in the Act of Parliament made in the five and twentieth Year of the Reign of King Edward the Third, shall be laid in any Indictment, Impeachment, as an Overt Act of any other Treason therein mentioned or expressed, or be given in Evidence to prove the same.

WE may see by this Bill, what the true Rights of the English Subject are conceived to be, in Matters of this Nature. And we cannot but remember, that through the Violation of such English Rights, divers good People have been Murdered in the late Reigns, by Courts and Juries.